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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1332nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 March 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

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CLOSURE OF THE SESSION

The meeting was called to order at 10.05 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Letters inviting members of the Committee to Australia

1. The CHAIRMAN announced that the Office of the High Commissioner for Human Rights had received letters from the Parliament, two members of the Senate and the commission dealing with aboriginal affairs in Australia, inviting members of the Committee to visit Australia to assess the implementation of the Convention in situ. He suggested that Ms. McDougall, Mr. Sherifis and Mr. Yutzis be given the task of drafting a positive reply on behalf of the Committee, in cooperation with the Office of the High Commissioner.

2. Mr. DIACONU pointed out that the letters of invitation in question came not from the State party but from members of parliament belonging to the opposition to the Australian Government and from a non-governmental organization. The Committee should obtain the agreement of the State party concerned before accepting the invitation.

3. The CHAIRMAN, noting Mr. Diaconu's comments, recommended that the three designated members of the Committee as well as the Office of the High Commissioner obtain the agreement of the Australian Government before accepting the invitation to send members of the Committee to Australia.

4. It was so decided.

Organization and division of the work of the Committee at its fifty-fifth session (CERD/C/54/Misc.23/Rev.2 - English only)

5. Mr. SHERIFIS pointed out that Estonia had now submitted a report and that it should no longer appear in the list of countries which were to be considered in the absence of a report (review procedure). Moreover, Mr. Garvalov had agreed to serve as rapporteur for Jamaica, a task which he would carry out with Mrs. Zou's help. Therefore, it was Mr. Garvalov's name that should appear in the list.

6. Mr. van BOVEN noted that, in the list that had been distributed, the names of rapporteurs for countries whose situation was to be considered pursuant to prevention or urgent action procedures were not indicated. He would like to know if they had already been designated.

7. The CHAIRMAN said that the rapporteurs who had taken responsibility, at the current session, for States parties whose situation had been considered pursuant to prevention or urgent action procedures could be re-assigned those responsibilities automatically. However, it was not yet known which States parties would have their situation considered pursuant to that procedure at the next session. It was to be hoped that, in some cases, there would be positive developments and that it would no longer be necessary to resort to that procedure. With regard to Kosovo, for instance, it was impossible to prejudge the outcome of the negotiations which were currently being held in Paris.

8. Mr. RECHETOV said that it would nonetheless be preferable to decide from one session to the next which country situations would be considered pursuant to the prevention or urgent action procedures. With that in mind, he asked the Chairman if he could inform the members of the dates of the Committee's next session.

9. The CHAIRMAN replied that the next session was expected to be held during the four weeks from 2 August. However, those dates were not definite and would be decided by the Office of the High Commissioner in consultation with the Secretariat of the United Nations without the Committee having a say in the matter. They would be communicated to the members in due course, along with the agenda for the session.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Draft concluding observations of the Committee concerning the twelfth to fifteenth periodic reports of the Syrian Arab Republic (continued) (CERD/C/54/Misc.36/Rev.2 - English only)

10. The CHAIRMAN invited the members of the Committee to resume consideration of the draft concluding observations concerning the Syrian Arab Republic (CERD/C/54/Misc.36/Rev.2).

Paragraphs 12-14

11. Paragraphs 12-14 were adopted.

Paragraph 15

12. The CHAIRMAN, speaking as a member of the Committee, said that he was not opposed to adopting the paragraph, provided that the reservations he had expressed about the recommendation concerning the situation of Kurds born in Syria were duly noted.

13. Mr. DIACONU proposed inserting the phrase "the rights of persons belonging to ethnic and national groups" at the end of the first line.

14. Mr. RECHETOV proposed deleting the last sentence.

15. Paragraph 15, as amended, was adopted.

Paragraph 16

16. Mr. RECHETOV suggested replacing the word "abuses" in the penultimate line with the word "violations".

17. Paragraph 16, as amended, was adopted.

Paragraph 17

18. Paragraph 17 was adopted.

Paragraph 18

19. Mr. DIACONU said he had it on good authority that the Syrian Arab Republic did not need the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights in order to draw up its periodic reports. The recommendation to that effect in the second sentence therefore served no purpose.

20. Paragraph 18, as amended, was adopted.

Paragraph 19

21. Paragraph 19 was adopted.

22. The draft concluding observations concerning the twelfth to fifteenth periodic reports of the Syrian Arab Republic as a whole, as orally amended, were adopted.

Draft concluding observations of the Committee concerning the eleventh to fifteenth periodic reports of Mongolia (CERD/C/54/Misc.44/Rev.2 - English only)

Paragraphs 1-7

23. Paragraphs 1-7 were adopted.

Paragraph 8

24. Mr. VALENCIA RODRIGUEZ proposed deleting the words "in particular the translation of the Convention into the Mongolian language".

25. Paragraph 8, as amended, was adopted.

Paragraphs 9-11

26. Paragraphs 9-11 were adopted.

Paragraph 12

27. Mr. RECHETOV proposed replacing the second part of the paragraph with the words "it regrets the lack of information on the socio-economic situation of the different minority groups living in the State party".

28. Paragraph 12, as amended, was adopted.

Paragraphs 13-17

29. Paragraphs 13-17 were adopted.

Paragraph 18

30. Mr. SHERIFIS suggested replacing the words "include in its Criminal Code" in the first sentence with the words "fully comply with".

31. Paragraph 18, as amended, was adopted.

Paragraphs 19-21

32. Paragraphs 19-21 were adopted.

Paragraph 22

33. Mr. van BOVEN proposed replacing the words "all the questions raised by the members of the Committee" with the words "all the suggestions and recommendations contained in the present concluding observations".

34. Paragraph 22, as amended, was adopted.

Paragraph 23

35. Paragraph 23 was adopted.

36. The draft concluding observations of the Committee concerning the eleventh to fifteenth periodic reports of Mongolia as a whole, as orally amended, were adopted.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

Draft decision of the Committee concerning the situation in the Sudan (CERD/C/54/Misc.45/Rev.2 - English only)

Paragraph 1

37. Paragraph 1 was adopted.

Paragraph 2

38. Mr. de GOUTTES proposed deleting the word "unique".

39. Paragraph 2, as amended, was adopted.

Paragraph 3

40. Ms. McDOUGALL (Country Rapporteur) suggested replacing the second part of the paragraph with the words "this Committee expresses concern over the ethnic dimensions of the conflict".

41. Paragraph 3, as amended, was adopted.

Paragraph 4

42. Ms. McDOUGALL, in the light of comments made by several members of the Committee, proposed replacing the first sentence with the following text: "The Committee is gravely concerned by the numerous reports that all parties to the armed conflict have engaged in attacks on civilian populations of other ethnic origins, including summary executions".

43. Mr. DIACONU suggested deleting the word "credible" in the second sentence.

44. Paragraph 4, as amended, was adopted.

Paragraphs 5 and 6

45. Paragraphs 5 and 6 were adopted.

Paragraph 7

46. Mr. DIACONU considered that the issue of slavery, which was the subject of the paragraph, did not fall within the Committee's competence. He proposed deleting the adjective "Muslim" in front of "armed militia" and specifying that the thousands of Sudanese reduced to slavery were of different ethnic origins.

47. Mr. RECHETOV asked Mr. Diaconu to think carefully about the issue that was raised. It was important not to amend details linked to religion because they accurately reflected the situation on the ground.

48. The CHAIRMAN pointed out that the majority of the population in southern Sudan was neither Muslim nor Christian, even though there were more Muslims than Christians.

49. Mr. DIACONU explained that he wanted to delete the adjective "Muslim" because he wanted, at the same time, to underline the ethnic diversity of the victims. It was not only armed Muslim militias that had abducted Christian women and children.

50. Ms. McDOUGALL supported the proposal to delete the reference to Christians and Muslims if the reference to Sudanese of different ethnic origins were kept.

51. It was so decided.

52. Paragraph 7, as amended, was adopted.

Paragraph 8

53. Paragraph 8 was adopted.

Paragraph 9

54. Since the paragraph was long, the CHAIRMAN suggested that it be adopted section by section.

55. It was so decided.

Introductory part

56. The CHAIRMAN suggested deleting the word "minimum" in the phrase "the following minimum steps".

57. It was so decided.

58. The introductory part of paragraph 9, as amended, was adopted.

First indented paragraph

59. Mr. DIACONU proposed inverting the order of the sentence so that the last item in the list, the right to security of person and protection by the State, became the first item. Moreover, he suggested that it would be more appropriate to refer to people's right "to enjoy their own culture" rather than "to engage in a chosen culture".

60. It was so decided.

61. The first indented paragraph of paragraph 9, as amended, was adopted.

Second, third and fourth indented paragraphs

62. The second, third and fourth indented paragraphs were adopted.

Fifth indented paragraph

63. The fifth indented paragraph was deleted.

Sixth indented paragraph

64. The CHAIRMAN suggested deleting the word "immediately".

65. Ms. McDOUGALL said that it was more appropriate to talk of ethnic, cultural and religious diversity than of ethnic, cultural and religious tolerance.

66. It was so decided.

67. The sixth indented paragraph, as amended, was adopted.

68. Paragraph 9 as a whole, as orally amended, was adopted.

Paragraph 10

69. The CHAIRMAN considered that the Committee should avoid referring to the right to secession, since it had always declared itself opposed to the fragmentation of States.

70. Mr. YUTZIS pointed out that, in its General Recommendation XXI, the Committee had emphasized that international law did not recognize a general right of peoples unilaterally to declare secession from a State. He would therefore like the word "secession" to be deleted from the paragraph.

71. Mr. van BOVEN said that the Sudanese delegation itself had used that term and that it was not up to the Committee to oppose it. Moreover, in its General Recommendation XXI, the Committee had stated that it was not in favour of secession unless it was agreed upon by all parties concerned.

72. The CHAIRMAN said the Sudanese delegation had not stated that all parties were in favour of secession or that the population as a whole was in favour of it. Negotiations were in progress on that issue. When, and only when, agreement had been reached on that point would the Committee be able to take a position on it.

73. Mr. de GOUTTES recommended prudence. The Committee could not welcome something to which it had declared itself opposed in its recommendation, namely, the risk of secession. The Committee should remain vague on the issue and simply welcome recognition of the right to self-determination, without specifying whether it would take the form of autonomy or secession.

74. It was so decided.

75. Paragraph 10, as amended, was adopted.

76. The draft decision of the Committee concerning the situation in the Sudan as a whole, as orally amended, was adopted.

Draft decision of the Committee concerning the situation in Rwanda
(CERD/C/54/Misc.41/Rev.1 - English only)

Paragraph 1

77. Paragraph 1 was adopted.

Paragraph 2

78. The CHAIRMAN suggested that the point to be stressed was the flow of arms into and within the Central Africa subregion, not the fact that it was a free flow. Moreover, it would be preferable to simplify the last sentence of the paragraph so that the Committee would merely repeat its call on all States to enforce arms embargoes. It was not necessary to specify that the embargoes were applicable.

79. It was so decided.

80. Paragraph 2, as amended, was adopted.

Paragraphs 3-6

81. Paragraphs 3-6 were adopted.

Paragraph 7

82. The CHAIRMAN suggested that the paragraph should not state that the Committee associated itself with the Special Representative of the Commission on Human Rights, but simply that it noted with interest that the Special Representative supported launching a public debate on the role of the National Human Rights Commission.

83. It was so decided.

84. Paragraph 7, as amended, was adopted.

Paragraph 8

85. Mr. van BOVEN recommended that the Committee decide to consider the next periodic report of Rwanda at its fifty-sixth session. The Committee had, in fact, just received the original French version of the report that Rwanda had been due to submit in May 1998.

86. It was so decided.

87. Paragraph 8, as amended, was adopted.

88. The draft decision of the Committee concerning the situation in Rwanda as a whole, as orally amended, was adopted.

Draft decision of the Committee concerning the situation in the Democratic Republic of the Congo (CERD/C/Misc.29/Rev.2 - English only)

Paragraphs 1-4

89. Paragraphs 1-4 were adopted.

Paragraph 5

90. The CHAIRMAN noted that in the last sentence of the paragraph the Committee would "call[s] the attention of the Security Council ...". Article 9, paragraph 2, of the Convention provided that "the Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities ...", but nowhere was it stated that the Committee had the authority directly to draw the attention of the Security Council.

91. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) pointed out that, in the first sentence of paragraph 5, it was clearly stated that the Committee would draw the attention of the Security Council through the Secretary-General. That wording had not been included the second time so as to avoid needless

repetition. However, in the interest of precision, the words "through the Secretary-General of the United Nations" could be added to the second sentence after the words "Security Council".

92. Paragraph 5, as amended, was adopted.

Paragraph 6

93. Paragraph 6 was adopted.

94. The draft decision of the Committee concerning the situation in the Democratic Republic of the Congo as a whole, as orally amended, was adopted.

CLOSURE OF THE SESSION

95. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at noon.